

FILED*United States District Court*

OCT 12 2007

NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Venue: San Francisco

V.

John Stanford Laselles-Anacleto

CRIMINAL COMPLAINT

AKA: John Stanford, Francisco Aleman, John McGraw

CASE NUMBER:

3 07 70596**EMC**

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about October 2, 2007 in San Francisco County, in the Northern District of California defendant(s) did,

OFFENSE:

SEE ATTACHMENT "A"

in violation of Title 8 United States Code, Section(s) 1326.

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:

Official Title

SEE ATTACHED AFFIDAVIT MADE A PART HEREOF

PENALTIES: Imprisonment for not more than twenty (20) years and/or a fine of not more than two Hundred fifty thousand (\$250,000.00) dollars, a one-hundred (\$100.00) dollar special Assessment, and three (3) years supervised release.

APPROVED AS TO FORM:


ASSISTANT UNITED STATES ATTORNEYContinued on the attached sheet and made a part hereof: ☒ Yes ☐ NoWarrant of Arrest Requested: ☐ Yes ☒ NoBail Amount: NO BAIL
Signature of Complainant

Sworn to before me and subscribed in my presence,

Date

10/12/07

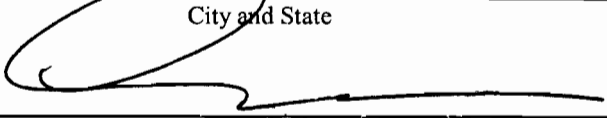
at

San Francisco, California

City and State

Honorable Edward M. Chen**United States Magistrate Judge**

Name & Title of Judicial Officer


Signature of Judicial Officer

ATTACHMENT "A"

On or about October 2, 2007, the defendant, John Stanford Laselles-Anacleto (AKA: John Stanford, Francisco Aleman, and John McGraw), an alien having been previously deported from the United States, was found in San Francisco County, in the State and Northern District of California, without having obtained express consent for reapplication for admission from either the Attorney General of the United States or his successor, the Secretary for Homeland Security (Title 6, United States Code, Sections 202(3), (4) and 557).

STATE AND NORTHERN DISTRICT OF CALIFORNIA)
) ss, AFFIDAVIT
CITY AND COUNTY OF SAN FRANCISCO)

The undersigned, being duly sworn, do hereby state:

I. INTRODUCTION

1. My name is Cesar Lopez, and I have been a Deportation Officer with the United States Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), formerly the United States Department of Justice (DOJ), Immigration and Naturalization Service (INS), for approximately nineteen (19) years. I am currently assigned under the Field Office Director, San Francisco, California (FOD/SF) in the Detention and Removal Operations (DRO) Division. I am presently assigned to the Prosecutions Unit of the Criminal Alien Program (CAP), a group that is responsible for enforcing federal criminal statutes involving criminal aliens who reenter the United States illegally.

2. I am applying for a criminal complaint for JOHN STANFORD LASELLES-ANACLETO (AKA: JOHN STANFORD, JOHN MCGRAW, and FRANCISCO ALEMAN) for violating Title 8, United States Code, Section 1326 (alien found in the United States following deportation). Section 1326 makes it a crime for an alien, having previously been denied admission, excluded, deported, or removed from the United States, to enter, attempt to enter, or be found at any time in the United States if the Attorney General or Secretary of Homeland Defense did not expressly consent to a reapplication by the alien for admission into the United States.

3. As set forth below, I believe that there exists probable cause to support a criminal complaint against JOHN STANFORD LASELLES-ANACLETO for a violation of Title 8, United States Code, Section 1326. The facts set forth in this Affidavit are based on my review of the official Immigration Service file (A70 453 005) of JOHN STANFORD LASELLES-ANACLETO, my personal observations, my training and experience, and where noted, information related to me by other law enforcement officials. However, the facts set forth in this Affidavit are not all facts known to me relating to JOHN STANFORD LASELLES-ANACLETO.

II. STATEMENT OF PROBABLE CAUSE

4. JOHN STANFORD LASELLES-ANACLETO, also known as JOHN STANFORD, FRANCISCO ALEMAN, AND JOHN MCGRAW, is a thirty-seven (37) year-old male who is a native and citizen of Mexico. LASELLES-ANACLETO last entered the United States illegally by crossing the international border on an unknown date at an unknown location, without first having obtained the consent of the Attorney General of the United States or United States Secretary of Homeland Security.

5. The official Immigration Service file for JOHN STANFORD LASELLES-ANACLETO

contains seven (7) executed Warrants of Removal. The most recent Warrant of Removal indicates that LASELLES-ANACLETO was last removed from the United States to Mexico at San Ysidro, California, on February 27, 2007. The other Warrants of Removal show that LASELLES-ANACLETO was removed from the United States to Mexico at San Ysidro, California on June 28, 2003, June 24, 2003 and June 19, 2003; at Otay Mesa, California on October 11, 2000 and January 17, 1997; and at Calexico, California on November 22, 1997.

6. On October 2, 2007, Immigration and Customs Enforcement Officers were contacted by officers at the San Francisco County jail advising the ICE agents that the Defendant was currently in their custody. An Immigration Detainer was placed on LASELLES-ANACLETO on the same day, October 2, 2007.

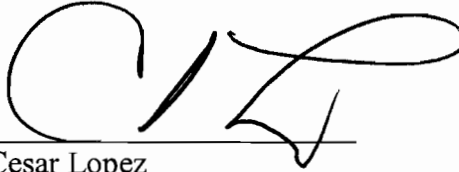
7. On October 9, 2007, Immigration Enforcement Agent Darin Momrow interviewed LASELLES-ANACLETO at the Bureau of Immigration and Customs Enforcement District Office in San Francisco, California. After he was advised of his Miranda rights and the right to speak with the consular or diplomatic officers of his country of citizenship, LASELLES-ANACLETO invoked his rights and refused to answer any questions related to his immigration history, alienage, or identity.

8. On October 11, 2007, the Federal Bureau of Investigation (FBI) Special Processing Center confirmed that the fingerprints submitted from LASELLES-ANACLETO's fingerprint card taken October 9, 2007 and fingerprint cards taken February 16, 2007, June 27, 2003 and June 24, 2003 are identical to each other and to the fingerprints on file with the FBI, FBI number 561471MA4.

9. There is no indication in the official files of the United States Bureau of Immigration and Customs Enforcement that the defendant has applied for, or been granted the requisite permission to re-enter the United States from either the Attorney General of the United States or the Secretary for Homeland.

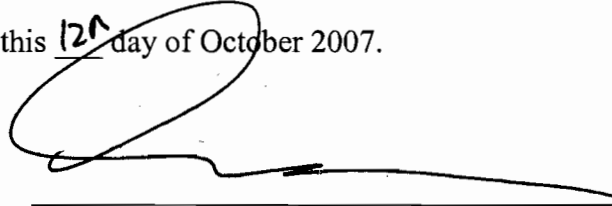
III. CONCLUSION

10. On the basis of the above information, I submit that there is probable cause to believe that JOHN STANFORD LASELLES-ANACLETO, also known as JOHN STANFORD, FRANCISCO ALEMAN, and JOHN MCGRAW, illegally reentered the United States following deportation, in violation of Title 8, United States Code, Section 1326.



Cesar Lopez
Deportation Officer U.S. Department of Homeland
Security
U.S. Immigration and Customs Enforcement
San Francisco, California

Subscribed and sworn to before me this 12th day of October 2007.



The Honorable Edward M. Chen
United States Magistrate Judge
Northern District of California
San Francisco, California